

MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2023

NEW: MALICIOUS & SADISTIC CONDUCT POLICY - (MN Statutes 121A.0312)

LEGAL DEFINITION

"**Malicious and sadistic conduct**" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

NEW: SCHOOL BOARD POLICY REQUIREMENT

A district/charter school board must **adopt a written policy to address** malicious and sadistic conduct and sexual exploitation **by a school staff member, independent contractor, or student enrolled in the school against a staff member, independent contractor, or student.**

POLICY REQUIREMENTS

- Prohibits malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status regarding public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity (MN Human Rights Statute 363A)
- Prohibits sexual exploitation
- Includes *at minimum* the components in the school bullying law (121A.031 subd.4 (a))
- Includes disciplinary actions for each violation of the policy and must conform with the Pupil Fair Dismissal Act (121A.41-56) & collective bargaining agreements

COMMUNICATION OF NEW POLICY REQUIREMENTS

- Post conspicuously throughout each school building
- Distribute to each employee & independent contractor when hired or contracted.
- Include in each student's handbook
- Develop a process for discussing the policy with students, parents, independent contractors, and employees.

EFFECTIVE DATE -AUGUST 1, 2023